

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON AS  
TRUSTEE FOR THE CERTIFICATE-  
HOLDERS OF THE CWABS INC., ASSET-  
BACKED CERTIFICATES, SERIES 2006-  
11,

Plaintiff,

vs.

FIDELITY NATIONAL TITLE GROUP,  
INC.; COMMONWEALTH LAND TITLE  
INSURANCE COMPANY, DOE  
INDIVIDUALS I through X; and ROE  
CORPORATIONS XI through XX, inclusive,

Defendants.

Case No.: 2:22-cv-00341-ART-NJK

**ORDER APPROVING**

**STIPULATION TO  
CONTINUE STAY OF CASE**

Plaintiff, The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificate holders of the CWABS Inc., Asset-Backed Certificates, Series 2006-11 (“Plaintiff”) and Defendants Fidelity National Title Group, Inc. and Commonwealth Land Title Insurance Company (“Defendants”, and with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein Plaintiff contends, and Defendants dispute, that the title insurance claim involving an HOA assessment lien and subsequent sale was covered by the subject policy of title insurance. There are now currently

1 pending in the United States District Court for the District of Nevada and Nevada state courts  
 2 more than one-hundred actions between national banks, on the one hand, and title insurers, on the  
 3 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA  
 4 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9  
 5 and/or CLTA 115.2/ALTA 5 Endorsements.

6 The Parties stipulated to a limited six-month stay of the case, which was granted on July  
 7 19, 2022 [ECF No. 28]. The limited stay expires on January 19, 2023 [ECF No. 28]. The Parties  
 8 have conferred and believe another limited six-month stay is warranted. There are now two fully  
 9 briefed appeals to the Nevada Supreme Court involving similar coverage disputes in *PennyMac*  
 10 *Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737 (“*PennyMac*”) and  
 11 *Deutsche Bank Nat’l Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No.  
 12 84161 (“*Deutsche Bank*”). Both *PennyMac* and *Deutsche Bank* are fully briefed, but oral  
 13 argument has not been set. The Parties anticipate that the Nevada Supreme Court’s decisions in  
 14 the foregoing appeals may touch upon issues regarding the interpretation of policy and claims  
 15 handling, that could potentially affect the disposition of the instant action.

16 Accordingly, the Parties believe an additional stay of six months in the instant action will  
 17 best serve the interests of judicial economy. The Parties request that the action be stayed for an  
 18 additional six months, through and including, July 19, 2023. The Parties are to submit a Joint  
 19 Status Report on or before July 19, 2023. The Parties further agree that this stipulation and stay  
 20 of this case is entered based on the specific circumstances surrounding this particular case, and  
 21 that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

22 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby  
 23 stipulate and agree as follows:

- 24 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,  
 25 the Parties request that this action be **STAYED FOR AN ADDITIONAL SIX (6)**  
 26 **MONTHS**, through and including, July 19, 2023.
- 27 2. All deadlines currently set in this case shall remain **VACATED**.
- 28 3. The Parties are to submit a Joint Status Report on or before July 19, 2023.

1 4. The stay will not impact subpoenas duces tecum and deposition subpoenas to third  
2 parties, and the Parties may enforce subpoenas that the Parties propounded to third  
3 parties during the stay.

4 5. By entering into this Stipulation, none of the Parties is waiving its right to  
5 subsequently move the Court for an order lifting the stay in this action.

6 **IT IS SO STIPULATED.**

7 DATED this 11<sup>th</sup> day of January, 2023.

DATED this 11<sup>th</sup> day of January, 2023.

8 WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN LLP

9 /s/ Lindsay D. Dragon

/s/ Kevin S. Sinclair

10 Lindsay D. Dragon, Esq.

Kevin S. Sinclair, Esq.

11 Nevada Bar No. 13474

Nevada Bar No. 12277

12 7785 W. Sahara Ave., Suite 200

16501 Ventura Boulevard, Suite 400

13 Las Vegas, NV 89117

Encino, California 91436

14 *Attorney for Plaintiff, The Bank of New York*

*Attorney for Defendants, Fidelity National*

15 *Mellon fka The Bank of New York, as Trustee*

*Title Group, Inc. and Commonwealth Land*

16 *for the Certificate holders of the CWABS*

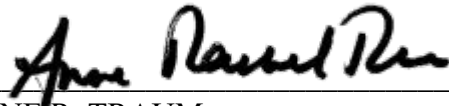
*Title Insurance Company*

17 *Inc., Asset-Backed Certificates, Series 2006-*

18 *11*

17 **IT IS SO ORDERED.**

18 Dated this 17th day of January, 2023.

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20   
21 ANNE R. TRAUM  
22 UNITED STATES DISTRICT COURT JUDGE  
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